IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

Bail Appl..No. 4568 of 2007()

CRIME NO.229/07 OF KATTAKKADA POLICE STATION

PETITIONER/ACCUSED

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1. SOBHANAN.G.,
CHARUVILAKATHU VEEDU, KUCHAPPURAM,
AMACHAL (P.O.), KULATHUMMAL VILLAGE.

2. T.SUDHAKARAN, PRAMOD BHAVAN,
AMACHAL (P.O.), KULATHUMMAL VILLAGE.

BY ADV. SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.A.S.SABU

RESPONDENTS: STATE

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 4568 of 2007

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Dated this the 1st day of August, 2007

O R D E R

Application for anticipatory bail. The petitioners are accused 1 and 3. Altogether there are 14 accused persons. The only non-bailable offence alleged against the petitioners is the one punishable under Section 332 I.P.C. That offence, which was bailable till 23.6.2006, has now been made non-bailable after the amendment w.e.f. 23.6.06. The incident in this case took place on 27.6.2007. Regarding that incident allegations and counter allegations are traded by the rival contestants. In the present crime it is alleged that the second accused, whom the Excise officials wanted to be arrested, could not be arrested as a group of persons, including the petitioner, interfered with the official duty of the Excise officials and deterred them from discharging their official duty. It is alleged that hurt was caused to the Excise officials by the accused persons. This crime is registered as Crime 229 of 2007. On the basis of the complaint given by the first petitioner/first accused the police have registered Crime 230 of 2007 against the Excise officials, wherein, it is alleged that the

Excise officials not in uniform indulged in culpable conduct against the first accused. Both cases are under investigation.

2. The learned counsel for the petitioners submits that the allegations raised are totally false. The police are trying to cover up their fault and shield themselves. At any rate, there is no necessity to insist on arrest and detention of the petitioners. They may be saved of the undeserved trauma of arrest and detention, submits the counsel.

3. The learned Prosecutor does not oppose the application. He only submits that appropriate conditions may be imposed, which shall ensure the interests of a fair, efficient and expeditious investigation.

4. Having considered all the relevant inputs, to which brief reference has already been made above, I am satisfied that the petitioners can be granted anticipatory bail subject to appropriate conditions.

5. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioners shall surrender before the learned Magistrate on 8.8.2007 at 11 a.m. The learned Magistrate shall release the petitioners on regular bail on condition that the petitioners execute bonds for

Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 9.8.2007 and 10.8.07 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioners do not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 8.8.07 and the police shall be at liberty thereafter to arrest the petitioners and deal with them in accordance with law.

(d) If the petitioners were arrested prior to their surrender on 8.8.2007 as directed in clause (1) above, they shall be released from custody on their executing bonds for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 8.8.2007.

(R. BASANT)
Judge

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